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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHNNY FLANAGAN,

Plaintiff,

v.

SILVER STATE SCHOOLS CREDIT  
UNION, et al.,

Defendants.

2:11-CV-0077 JCM (RJJ)

**ORDER**

Presently before the court is defendants Silver State Schools Credit Union and Stephanie Cooper Herdman's motion to dismiss. (Doc. #7). *Pro se* plaintiff Johnny Flanagan failed to file an opposition.

Defendants argue that there are multiple grounds for dismissal in this case. First, the case should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process. Second, the case should be dismissed pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41-1 for failure to prosecute. Third, the 76-page complaint is "impossible to decipher" and fails to comply with Federal Rule of Civil Procedure 8(a). Finally, the complaint lacks merit and fails to state a claim upon which relief may be granted and, therefore, should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. #7).

Pursuant to Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion."

1 However, the court will not automatically grant every unopposed motion. In *Ghazali v. Moran*, 46  
2 F.3d 52, 53 (9th Cir. 1995), the Ninth Circuit held that the court had to weigh the following factors  
3 before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the  
4 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
5 favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.

6 Plaintiff failed to oppose the motion to dismiss, and the court further finds that the *Ghazali*  
7 factors weigh in favor of dismissing the action as to these defendants. *Ghazali*, 46 F.3d at 53; *see*  
8 *also* LR 7-2(d).

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Silver State  
11 Schools Credit Union and Stephanie Cooper Herdman's motion to dismiss (doc. #7) be, and the  
12 same hereby is, GRANTED. The case shall be dismissed as to these defendants.

13 DATED April 2, 2012.

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16 UNITED STATES DISTRICT JUDGE  
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